IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10320 of 2004

Between:

Dr. M. Srirama Krishna Prasad, S/o. Venkateswara Rao,
Kurnool Medical College, Kurnool.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Medical, Health & Family Welfare Department, Secretariat Buildings,
Hyderabad.
2 Dr. L.C. Obulesu, Professor and Head of the Department, Forensic Medicine,
Kurnool Medical College, Kurnool.
3 The Director of Medical Education, Government of Andhra Pradesh, Sultan
Bazar, Koti, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue Writ or order or direction more in the nature of Writ of Mandamus declaring the orders dated 17-03-2004 passed by the Hon'ble Tribunal in M.A.No. 1115/2004 in O.A.NO.5394/2003 as illegal and arbitrary and consequently direct the A.P.A.T Tribunal, Hyderabad, to hear O.A.No.5394/2003 finally as per time frame fixed by this Hon'ble Court

For the Petitioner:MR.P.V.S.S.S.RAMA RAO

For the Respondent Nos.1&3 : GP FOR SERVICES-I

For Respondent No.2 : --

The Court at the admission stage made the Following :

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY
AND
THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.10320 OF 2004

ORDER: (per Hon'ble sri Justice G.Bikshapathy)

The writ petition is filed challenging the interim order passed by the Tribunal in O.A.No.5394 of 2004, dated 17.3.2004. The Tribunal refused to fix the date of final hearing on the ground that the counter has not been filed by the Department.

2. Learned counsel for the petitioner submits that if the department does not file counter for years together, it would cause prejudice to the petitioner and the very purpose of approaching the Tribunal will be defeated.

3. We heave heard the learned Government Pleader for Services-I also.

4. We are not inclined to go into the merits of the case, suffice it to say that the counter is to be filed within reasonable time as fixed in the relevant rules. If the counter is not filed within the stipulated time fixed in the relevant rules, it is open for the Tribunal to proceed with the matter on merits.

5. Under those circumstances, we dispose of the writ petition directing the department to file counter, if any, within a period of four weeks from the date of receipt of a copy of this Court. Thereafter, the Tribunal shall dispose of the O.A. within a period of six weeks. No costs.

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G.BIKSHAPATHY,J

DT.23.6.2004.

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B.SESHASAYANA REDDY,J

Mdaa.

Sd/- XXX

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Medical, Health & Family Welfare Department, Secretariat Buildings,
Hyderabad.
2 The Director of Medical Education, Government of Andhra Pradesh,
Sultan Bazar,
Koti, Hyderabad.
3. The Registrar, A.P.Administrative Tribunal,
Purani Haveli, Hyderabad.
4 2 CCs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT)
5. 2CD copies